

§ 1930.144 Exception authority.

The Administrator may, in individual cases, make an exception to any requirements of this subpart not required by the authorizing statute if he/she finds that application of such requirement would adversely affect the interest of the Government or adversely affect the accomplishment of the purposes of the MFH program or result in undue hardship by applying the requirement. The Administrator may exercise the authority at the request of the State Director or the Assistant Administrator for Housing. The request must be supported by data that demonstrates the adverse impact, citing the particular requirement involved and recommending proper alternative course(s) of action, and outlining how the adverse impact could be mitigated.

§ 1930.145 Appeals.

Only the borrower, or the borrower's representative (as defined in subpart B of part 1900 of this chapter), can appeal an FmHA or its successor agency under Public Law 103-354 decision. The borrower's management agent may not request an appeal unless he/she has been designated as the borrower's representative. This means he/she must be authorized in writing by the borrower to act for the borrower in the administrative appeal, as required by subpart B of part 1900 of this chapter (this may be addressed in the management agreement). The borrower's request for review of an alleged adverse decision must be made to FmHA or its successor agency under Public Law 103-354 in written form. Appeals and reviews will be handled in accordance with directions set forth in subpart B of part 1900 of this chapter.

§§ 1930.146–1930.149 [Reserved]**§ 1930.150 OMB control number.**

The reporting and recordkeeping requirements contained in this regulation have been approved by the Office of Management and Budget and have been assigned OMB control number 0575-0033. Public reporting and recordkeeping burden for this collection of information is estimated to vary from 5 minutes to 10.25 hours per response,

with an average of 0.43 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Department of Agriculture, Clearance Officer, OIRM, room 404-W, Washington, DC 20250; and to the Office of Management and Budget, Paperwork Reduction Project (OMB #0575-0033), Washington, DC 20503.

**EXHIBIT A TO SUBPART C OF PART 1930—
STEPS FOR FARMERS HOME ADMINISTRATION (FMHA) OR ITS SUCCESSOR AGENCY UNDER PUBLIC LAW 103-354
PERSONNEL IN CONDUCTING ANNUAL REVIEW OF MULTIPLE HOUSING OPERATIONS**

I. *Examine the Condition of the Borrower/Management Reports to Determine that:*

- A. Required accounts are being properly maintained in accordance with the loan resolution or agreement.
- B. Decisions of officials are being entered in the minutes book, if applicable.
- C. Any membership or stock transfers have been approved by FmHA or its successor agency under Public Law 103-354 and recorded as required.
- D. Financial records are maintained by qualified persons.
- E. The financial records are being reviewed by a qualified auditor where an audit is required or by a competent individual or committee when a verification of review of accounts is required.

II. *Study the Financial Progress:* Compare current financial condition and owner's equity with previous years to discover any trends, for example:

- A. Has cash carryover increased or decreased?
- B. Are the debts greater or less?
- C. Is the owner's equity greater or less?
- D. Are accounts receivable greater or less?
- E. Are collection provisions being enforced?
- F. Are reserve and other required funds or accounts properly maintained?

III. *Study the State of Income and Expenditures for the Past Year:* Compare it with the budget for the past year and the same statement for previous years.

- A. Were rents or occupancy charges, subsidies, and other monies collected sufficient